

COMMITTEE OF THE WHOLE DECEMBER 9, 2002

REQUEST TO PURCHASE CITY LANDS PORTION OF THE UNOPENED KING-VAUGHAN ROAD & KIPLING AVENUE ROAD ALLOWANCES ABUTTING 5000 KING-VAUGHAN ROAD

Recommendation

The Director of Legal Services and Manager of Real Estate recommend that a by-law be enacted:

1. To declare surplus a small parcel of the unopened road allowance on King-Vaughan Road west of Kipling Avenue as shown on Attachment #2.
2. To authorize the conveyance of land to the abutting owner.
3. To provide that pursuant to the Disposal of Property By-law notice of sale of the lands be the inclusion of the matter on the Council Agenda.
4. To authorize the Clerk to commence the necessary procedures pursuant to the Municipal Act to stop up and close a portion of the road.
5. To authorize the Mayor and Clerk to execute all documentation necessary to complete the transaction.

Purpose

To obtain authorization for the sale of a small parcel of City owned land.

Background - Analysis and Options

On December 18, 2000, Council considered a report regarding a request by Mr. Bobby Bhoola to purchase approximately 2 acres being approximately 1.08 acre of unopened King-Vaughan Road, and .95 acre of Kipling Avenue. The Council extract and location sketch are Attachment #1. The matter was deferred to allow further discussion with TRCA.

The abutting property contains an older residence which was constructed in the early 1900's when the property was formerly part of the Township of King. Concession I the Township of King became part of the Town of Vaughan when the Regional Municipality of York was created in 1971. The property comprises 42 acres. The driveway to the residence was partly constructed on the unopened road allowance of the King-Vaughan Road, shown on Attachment #2.

The owner requested permission to construct a large gate across the driveway, as he indicated that persons driving west on the King-Vaughan Road continually drive onto his driveway, mistakenly believing it to be the continuation of King-Vaughan Road.

The King-Vaughan Road at this location curves to the south due to the topography. The owner has now requested to purchase only the small portion of the road allowance where the driveway has been located for approximately 100 years. He would like to construct the gate before winter. The area of the small parcel of land is approximately 0.15 acre.

The owner has agreed to pay for the road closure procedure and survey. The property has a nominal value in terms of value in contribution to the 42 acre site and its specific use as a driveway. Therefore a nominal value has been set at \$1,000.00. The owner is agreeable to the price.

Conclusion

All requirements noted in the Disposal of Property By-law have been adhered to. Due to the long term use of the area as a driveway staff recommend the sale.

Attachments

Council Extract #1
Map #2

Report prepared by:

Liana Haughton
Heather Wilson

Respectfully submitted,

Heather A. Wilson
Director of Legal Services

Liana Haughton
Manager of Real Estate

CITY OF VAUGHAN

Item 14, Report No. 82, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on December 18, 2000.

14 REQUEST TO PURCHASE CITY LANDS
 PORTION OF THE UNOPENED KING-VAUGHAN ROAD
 & KIPLING AVENUE ROAD ALLOWANCES
 ABUTTING 5000 KING-VAUGHAN ROAD

The Committee of the Whole recommends:

- 1) That this matter be deferred to allow further discussion between staff, the applicant and the Toronto & Region Conservation Authority and that an additional report be brought forward; and
- 2) That the deputation of Mr. Bobby Bhoola, 5000 King-Vaughan Road, Woodbridge, L4H 1E8, be received.

Recommendation

The Manager of Real Estate in consultation with the Director of Legal Services and the Director of Engineering recommends:

That Council refuse the request for the purchase of approximately 2 acres of land, consisting of a portion of the unopened King-Vaughan Road (1.08 acres) and Kipling Avenue Road (.95 acres) allowances by the owner of 5000 King Vaughan Road.

Background

On October 10, 2000, Council considered the attached report regarding the request to purchase portions of original road allowances. Council referred the matter to the next Committee of the Whole, which is this meeting.

On October 17, 2000 Staff from Engineering and Real Estate Departments attended and viewed the site and met with the owner.

The Engineering Department originally commented that the unopened road allowances form part of the City's future overall road network system and that the lands be maintained in public ownership to fulfill any future municipal need.

There are Municipal Act provisions regarding the exchange of original road allowances with owners providing land for alternative routes, which can occur in the case where the terrain of the original road allowance is not suitable for construction. This may occur in this area, however it will be in the future. Should the City sell these lands now, it may be faced with having to buy or expropriate lands for a road in the future, rather than effect a Municipal Act land exchange.

Attach

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

ATTACHMENT #1







